

Clarification for Reporting the Air Facility System (AFS) High Priority Violator (HPV) Discovery Date

October 27, 2005

On July 5, 2005 the AFS Information Collection Request was approved by the Office of Management and Budget, providing an updated list of Minimum Data Requirements (MDRs) for AFS reporters. Included in this list is the reporting of the High Priority Violator (HPV) Discovery Date. The HPV Discovery Date is defined as when the discovering agency “first receives information concerning a Federally enforceable violation”. The AFS ICR also defines certain national action types for reporting HPV Discovery Date:

- Full Compliance Evaluations
 - FE: EPA Onsite FCE
 - FZ: EPA Offsite FCE
 - FS: State Onsite FCE
 - FF: State Offsite FCE
- Partial Compliance Evaluations
 - ES: EPA Onsite Review
 - EX: EPA Offsite Review
 - EE: EPA Complaint Onsite Review
 - EP: EPA Permit Onsite Review
 - EM: EPA Process Offsite Review
 - EO: EPA Onsite Observation
 - PS: State Onsite Review
 - PX: State Offsite Review
 - PC: State Complaint Onsite Review
 - PP: State Permit Onsite Review
 - PR: State Process Offsite Review
 - PO: State Onsite Observation
- Stack Tests
 - TE: EPA Required Stack Test Not Observed, Reviewed
 - TO: EPA Required Stack Test Observed & Reviewed
 - TR: State Required Stack Test Not Observed , Reviewed
 - 2A: EPA Source Test Conducted
 - 3A: State Required Stack Test Observed & Reviewed
 - 6C: State Source Test Conducted
- Title V Annual Compliance Certification Reviews
 - ER: EPA Review
 - SR: State Review
- Investigations (EC, EI, SC, SI)
 - EC: EPA Investigation Conducted (finished)
 - EI: EPA Investigation Initiated (started)
 - SC: State Investigation Conducted (finished)
 - SI: State Investigation Initiated (started)

Regions are directed to update their Regional Action Tables in AFS with the appropriate values to these National Actions. HPV Discovery Date will be identified in the National Action Table in the “Recommended” column by the value “D”. HPV Discovery Date reporting is completed in AFS with the linkage of the appropriate action within the HPV Violation Pathway.

Frequently Asked Questions:

Q: I am already linking in these activities in my HPV pathway, is there anything else I need to do?

A: No, you have already satisfied the requirement for reporting HPV Discovery Date!

Q: What happens if the action that discovers the violation is not one of the approved HPV Discovery Date action types?

A: If you have an activity that isn’t reportable via the existing action types defined for HPV Discovery Date, then the best thing to do is compare your activity to the definition of PCE. PCEs are defined as: “...a documented compliance assessment focusing on a subset of regulated pollutants, regulatory requirements, or emission units at a given facility. A PCE should be more comprehensive than an cursory review of individual reports.” You might find that your activity can fall under the definition of a PCE, especially if the ‘discovery’ was an “off-site” activity (e.g., monitoring report review, additional information response receipt, etc.). If it does, you need to review your action table and make sure that you have an appropriate action type to report the activity mapped to the PCE National Action Types. If your activity does not meet the definition of PCE, then please call your Regional AFS Compliance Manager for assistance.

Q: Can I use a generic PCE action type (On-Site PCE, Off-Site PCE) to report HPV Discovery Date?

A: Yes, you can. HOWEVER, the best practice to use is a descriptive action type mapped to the National Action Types for PCEs. For example, you may have completed a review of the emissions inventory and found emissions from a process without a permit. Reporting a generic Off-Site PCE would satisfy reporting requirements, but it is much more accurate to report an action such as “Emission Inventory Review” that is mapped to PCE National Action Types.

Q: What if the HPV Discovery Date is part of an overall FCE which will not be completed for several months?

A: The 2005 ICR requires HPV Discovery Date to be reported within 60 days. The discovery date is reportable no matter what the defining activity may be-FCE, PCE, Stack Test, Investigation or Title V Annual Compliance Certification review. The activities leading to the HPV discovery should be entered into AFS. The important point to remember is that the “discovering activity” should be entered within 60 days even if the associated FCE has not been completed. In this case, if an HPV Discovery Date is actually a Partial Compliance Evaluation (PCE) which should be reported.

Q: How is the HPV Discovery Date information going to be used at EPA HQ?

A: AFS will identify HPV Discovery Date action types in the National Action Code Table by using “D” in the table. These actions will trigger the generation of an HPV Discovery Date on Screen 515, HPV Flag Action Pathway Matrix. Additionally, a retrievable acronym will be created. The IDEA program will have the capability of identifying these actions in the HPV

pathway. Analysis of HPV Discovery Date compared to the HPV Day Zero will be completed to demonstrate compliance with the HPV Policy.

Q: What if there are multiple actions which relate to the HPV pathway?

A: If these actions do not relate or add context/history to the HPV violation, they should not be linked. If those actions are related to the HPV violation but do not “define” the true discovery date then they should not be linked to the HPV Day Zero pathway. It is recommended to link only the appropriate HPV Discovery Date to the HPV Pathway in AFS, and not other actions that happened prior to discovery.

Q: What if there are some HPV violations discovered with an initial PCE or Title V Certification Review but additional information is needed to discover “additional” HPV violations?

A: The HPV Policy states that violations discovered outside a 30-day window from the first violation discovery warrant a new HPV Day Zero even if addressing/resolution will occur simultaneously.

Q: Please give an example of how this reporting will work with a Stack Test failure.

A: A Stack Test is usually scheduled for a certain day and is completed with or without state or federal observation. This date will be used for reporting the Stack Test to AFS, and any resulting HPV Discovery Date. In cases where the violation is found through an observed Stack Test, the HPV Discovery Date will always be the date of the test regardless of when the final results are received. If the Stack Test failure is found through the review of the test, then the date of review (used in National Action Types TE & TR) will be reported and will also designate HPV Discovery Date.

Q: How will the reporting of HPV Discovery Date be used in conjunction with an investigation?

A: If an investigation has been started due to the discovery of a violation, then the types for reporting Investigation Initiated (EI & SI) would be used in the pathway and would define the HPV Discovery Date. If, however, the violation is found after the investigation has begun, then the HPV Discovery Date should be documented with the activity that actually uncovered the violation; such as an offsite review, onsite observations, etc. For example, an investigation of chrome plating facilities was begun on June 3, 2006. A violation meeting the definition of HPV was not found until six months after the start of the investigation, or December 10, 2006. The HPV Discovery Date would not be the investigation start date, but would be documented as December 10, 2006 and defined by the activity undertaken to discover it such as an offsite review. In this case, the investigation action type **would not** be linked in the HPV Pathway.

Q: I thought PCEs were not minimally reportable, why are they listed as part of the HPV Discovery Date?

A: Although PCEs are not considered as part of the minimally reported data elements (MDRs), an individual PCE would be reportable if the discovery of an HPV is made via an activity defined as a PCE. For example: An agency is compiling individual reviews (or PCEs) to complete an FCE. During one onsite review of a process, a violation was discovered which met the definitions of HPV. This individual activity, or onsite PCE, would be considered the HPV Discovery Date and would be considered reportable in the HPV pathway.

Should you come across situations that are not covered by these examples, please contact

your Regional AFS Compliance Manager, or the AFS System Administrator, Betsy Metcalf at (202) 564-5962 or metcalf.betsy@epa.gov for assistance.